

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

FILED
CLERK'S OFFICE
UNITED STATES DISTRICT COURT

for the
District of Massachusetts

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Boston Division

U.S. DISTRICT COURT
DISTRICT OF MASS.

Harold Kirkland

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

United States Postal Service

Jury Trial: (check one) ☒ Yes ☐ No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Harold Kirkland
Street Address	19 Gleason
City and County	Boston and Suffolk
State and Zip Code	Massachusetts and 02121
Telephone Number	6173044844
E-mail Address	hjm01@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	United States Postal Service
Job or Title <i>(if known)</i>	N/A
Street Address	25 Dorchester Avenue Room 4005
City and County	Boston and Suffolk
State and Zip Code	Massachusetts and 02205-9998
Telephone Number	Dont know
E-mail Address <i>(if known)</i>	N/A

Defendant No. 2

Name	N/A
Job or Title <i>(if known)</i>	N/A
Street Address	N/A
City and County	N/A
State and Zip Code	N/A
Telephone Number	N/A
E-mail Address <i>(if known)</i>	N/A

Defendant No. 3

Name	N/A
Job or Title <i>(if known)</i>	N/A
Street Address	N/A
City and County	N/A
State and Zip Code	N/A
Telephone Number	N/A
E-mail Address <i>(if known)</i>	N/A

Defendant No. 4

Name	N/A
Job or Title <i>(if known)</i>	N/A
Street Address	N/A
City and County	N/A
State and Zip Code	N/A
Telephone Number	N/A
E-mail Address <i>(if known)</i>	N/A

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

29 U.S.C. Section 185

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* N/A, is a citizen of the
State of *(name)* N/A.

b. If the plaintiff is a corporation

The plaintiff, *(name)* N/A, is incorporated
under the laws of the State of *(name)* N/A,
and has its principal place of business in the State of *(name)*
N/A.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* N/A, is a citizen of
the State of *(name)* N/A. Or is a citizen of
(foreign nation) N/A.

b. If the defendant is a corporation

The defendant, (name) N/A, is incorporated under the laws of the State of (name) N/A, and has its principal place of business in the State of (name) N/A.
 Or is incorporated under the laws of (foreign nation) N/A, and has its principal place of business in (name) N/A.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):
N/A

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Plaintiff worked for the Defendant starting on 3/14/2016. In accordance with the provisions contained in Article 19 Handbooks and Manuals of the parties Collective Bargaining Agreement, Handbook EL-312- Employment and Placement 584.5 as well as 584.51 and 584.52, the Plaintiff was not afforded Due Process. Plaintiff was deprived of the mandatory periodic reviews that are given to probationary employees. These periodic reviews recognize the contractual mandate and concept of progressiveness. Employees are reviewed and if something or things are inadequate, they are coached and forewarned of possible negative consequences. In this case the Plaintiff was dismissed arbitrarily out of nowhere on 11/30/2016 resulting in a Breach of Contract.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff brings this action seeking restitution and reinstatement including full back pay at the Federal Rate with interest. Do not know the amount of back pay due to being Diagnosed with Dyscalculia which is a Learning Disability.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/29/2022

Signature of Plaintiff

Printed Name of Plaintiff

Harold Kirkland

B. For Attorneys

Date of signing:

Signature of Attorney

N/A

Printed Name of Attorney

N/A

Bar Number

N/A

Name of Law Firm

N/A

Street Address

N/A

State and Zip Code

N/A

Telephone Number

N/A

E-mail Address

N/A